IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3364 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

B R KALADIA

Versus

STATE OF GUJARAT

Appearance:

MR MR ANAND for Petitioner

MR MUKESH PATEL for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 22/03/2001

ORAL JUDGEMENT

#. The learned counsel Mr.D.C.Raval appearing for learned counsel Mr.M.R.Anand, for the petitioner submitted that no instructions were being received from the petitioner. Similarly, The respondents have

preferred not to file any affidavit-in-reply. The petition is filed in 1988 and listed a few times for final disposal.

#. Today the learned counsel for the petitioner, on the basis of the office order of the respondent dated 20.12.1996, which is placed on record, submitted that the petitioner has been promoted retrospectively by giving a deemed date of promotion in 1981. The learned counsel fairly conceded that if any grievance regarding any loss of benefit due to notional fixation of wages was incurred the same would have been a fresh cause of action for the petitioner. However, in any view of the matter, the petition as it is, does not survive. Accordingly, the petition is dismissed as having become infructuous. However, in the facts and circumstance, the petitioner shall have liberty to apply in case of difficulty. Rule is discharged with no order as to costs.

(D. H. WAGHELA, J.)
kks